

FILED

March 24, 2006

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

In the Matter of:

MONTE KEEN, M.D.

ORDER REINSTATING
LICENSE WITH
CONDITIONS

This matter was reopened before the New Jersey State Board of Medical Examiners (the "Board") upon the Board's receipt of a request from respondent Monte Keen, M.D. that the Board consider whether cause existed to reinstate respondent's license to practice medicine and surgery in the State of New Jersey. By way of background, respondent's license to practice medicine in the State of New York was suspended for an indefinite period of time (not to be less than twelve months) pursuant to the terms of a Consent Order respondent entered with the New York State Board for Professional Medical Conduct on February 8, 2000. The New York action was based upon uncontested charges that respondent engaged in fraudulent practice, failed to maintain records, and that respondent was a habitual abuser of alcohol or dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs having similar effects, or had a psychiatric condition which impaired his ability to practice.

Respondent's license to practice medicine in New Jersey was thereafter suspended by operation of an Order filed on June 15,

2000, which Order provided that Dr. Keen was to refrain from engaging in the practice of medicine in New Jersey until such time as a supplemental Order might be entered in the State of New York staying the indefinite suspension of his license in New York and until such time as he thereafter appeared before a Committee of the Board and demonstrated that he was fit to resume the practice of medicine. See Consent Order of Temporary Suspension of License in the matter of Monte S. Keen, M.D., filed June 15, 2000.

On or about October 30, 2003, respondent entered into a modified consent Order in the State of New York, pursuant to which his license to practice medicine in New York was suspended for an additional period of time of not less than twelve months. The Order recited that the continuation of suspension was "attributable to the state of [respondent's] recovery, and [his] continuing incapacity, as of January 18, 2002." Respondent thereafter appeared before a Committee of the New York Board on June 14, 2005, seeking a stay of the suspension of his license and the entry of an Order that would allow him to-resume practice in New York. Following that appearance, a modified Order was entered in New York pursuant to which the suspension of respondent's New York license was stayed and a period of probation of seven years was imposed, with significant conditions placed upon respondent's practice during the period of probation to include, without limitation, conditions that his sobriety and practice be subject to monitoring

and that his practice be limited for at least the first twelve months to certain defined settings.

Respondent appeared before a Committee of the New Jersey Board on November 23, 2005, accompanied by Dr. Louis Baxter, Medical Director of the Professional Assistance Program of New Jersey (hereinafter the "PAP"). Respondent then testified at length about his prior use of drugs and the treatment he had received since the time that his license was suspended, and about the continuing medical education and other activities in which he had engaged since his license was first suspended in New York in February 2000. Dr. Louis Baxter, Medical Director of the Physicians' Assistance Program stated that the PAP supported Dr. Keen's application for reinstatement, provided that the reinstatement was with conditions to include continued monitoring and respondent's continued participation with the PAP. The PAP provided documentation demonstrating that all random urine tests conducted upon Dr. Keen between February 2002 and October 2005 had been negative, and Dr. Baxter testified that respondent had completed forty-three months of documented recovery.

The Board having considered respondent's testimony and the testimony offered in support of respondent's application by Dr. Baxter of the PAP, and it appearing to the Board that respondent has maintained forty-three months of sobriety and that the suspension of respondent's New York license has been stayed and

that respondent is instead presently limited to practice under the terms of a seven year period of probation in New York, and it further appearing that respondent is presently fit to resume the practice of medicine in New Jersey, and for good cause shown:

IT **IS** on the *23rd* day of *March*, 2006

ORDERED and AGREED:

1. The license of respondent Monte Keen, M.D. to practice medicine and surgery in the State of New Jersey is hereby reinstated, conditioned upon respondent's compliance with all terms and conditions set forth herein.

2. Respondent shall maintain absolute abstinence from the use of all psychoactive substances, including alcohol, unless any such substance is prescribed by a treating physician, who is made aware of respondent's prior history of drug use, and provided that prior notice of any such prescription is provided to the PAP.

3. Respondent shall continue to enroll in and actively participate with the PAP, to include, at a minimum, monthly meetings with representatives of the PAP for not less than six months from the date of entry of this Order, and meetings thereafter to be scheduled at the discretion of the PAP at a frequency consistent with respondent's duration in recovery, but not less than one meeting every three months.

4. Respondent shall be subject to random urine monitoring through the PAP at a frequency of not less than two random tests

weekly for not less than six months from the date of entry of this Order, and thereafter at a frequency of not less than once weekly for the following six months. Random urine testing shall thereafter continue at such frequency as may be determined to be appropriate by the PAP.

5. Respondent shall attend meetings of NA or AA groups, at a frequency of not less than three meetings per week. Respondent shall ensure that his attendance at said meetings is documented.

6. Respondent shall continue to engage in continued therapy with Dr. Arnold Washton until such time as Dr. Washton may discharge respondent from care. No discharge from care shall be made unless said discharge is upon notice to and with the consent of the PAP.

7. The PAP shall provide the Board with quarterly reports on the progress of respondent and shall make immediate report to the Board in the event the PAP obtains any evidence of relapse, to include without limitation any positive random urine test, or of non-compliance (to include any refusal of respondent to submit to a urine test) by respondent with any requests made by the PAP and/or his non-compliance with any of the terms of this agreement.

8. Respondent shall limit his medical practice to practice only in a group setting (that is, in a multiple physician practice and not in a solo practice), at a location that must be pre-approved in writing by the Board. In the event respondent engages

in any practice of surgery, respondent shall only either: 1) perform "minor surgical procedures", defined for purposes of this Order to be office-based or out-patient procedures that do not require the administration of general anesthesia, regional anesthesia or sedation, or 2) assist other physicians in his group practice in the performance of major surgical procedures (i.e., procedures that would not fall within the definition of "minor surgical procedures" set forth above) in an office or hospital setting. Respondent shall advise all physicians in the group practice he enters of his prior history of substance abuse. Respondent's practice shall be supervised by one physician in the group practice who shall be designated to be respondent's practice monitor (said designation shall be required to be approved in writing by the Board before respondent commences any medical practice under the terms of this Order). The practice monitor shall be required to agree to provide quarterly reports to the Board detailing the nature and quality of respondent's medical practice and attesting that respondent has conducted himself in accordance with all terms and conditions of this Order. The practice monitor shall further be required to agree to make immediate oral and written report to the Board in the event he or she receives any information or evidence of suspected impairment, inappropriate behavior or inappropriate medical practice by respondent.

9. In the event respondent violates any of the conditions of this Order, respondent expressly acknowledges and agrees that such violation shall constitute grounds for the Board to enter a subsequent Order suspending or revoking respondent's license to practice medicine in the State of New Jersey.

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By: Sindy Paul, MD
Sindy Paul, M.D.
Board President

I hereby agree to be bound by all terms and conditions of this Order. I consent to the entry of this Order by the Board of Medical Examiners.

Monte S. Keen, M.D. *MD* 3/15/06

I acknowledge on behalf of the Professional Assistance Program of New Jersey (the "PAP") that the PAP shall perform and comply with all monitoring and reporting conditions of the within Order.

L. E. Baxter 3/15/06
Louis Baxter, M.D.
Medical Director
Professional Assistance Program of
New Jersey